

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

(PCT Article 36 and Rule 70)

539, 631

PCT/FR2003/003724



Applicant's or agent's file reference <b>BET 03P1220</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/FR2003/003724</b>	International filing date (day/month/year) <b>15 décembre 2003 (15.12.2003)</b>	Priority date (day/month/year) <b>17 décembre 2002 (17.12.2002)</b>
International Patent Classification (IPC) or national classification and IPC <b>H04B 1/69</b>		
Applicant <b>FRANCE TELECOM</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand <b>04 juin 2004 (04.06.2004)</b>	Date of completion of this report <b>28 February 2005 (28.02.2005)</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/003724

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-21 . as originally filed  
 pages \_\_\_\_\_ . filed with the demand  
 pages \_\_\_\_\_ . filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages 3-12 . as originally filed  
 pages \_\_\_\_\_ . as amended (together with any statement under Article 19  
 pages \_\_\_\_\_ . filed with the demand  
 pages 1,2 . filed with the letter of 28 October 2004 (28.10.2004)
- ☒ the drawings:  
 pages 1/7-7/7 . as originally filed  
 pages \_\_\_\_\_ . filed with the demand  
 pages \_\_\_\_\_ . filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_ . as originally filed  
 pages \_\_\_\_\_ . filed with the demand  
 pages \_\_\_\_\_ . filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The application fails to meet the requirements of PCT Article 5, because there is a severe lack of clarity in the description.

- 1.1 The composite correlation pattern is an essential feature of the invention, but it is not clear exactly how the composite correlation pattern is defined.

In the following passages of the text, the following definitions of composite correlation pattern are found:

page 7, line 31 to page 8, line 1;

figure 2

$$\{MCC_{ijk}\}_{k=0}^{k=N};$$

here it appears that  $i$  and  $j$  remain unchanged and that  $k$  changes between 0 and  $N$ . This means that the composite correlation pattern contains the elementary correlation patterns associated with all the direct and secondary pulses for a single user.

page 8, line 16;

page 12, lines 28 and 29;

page 13, lines 6 to 8;

page 13, lines 19 et 20  $MCC_{ijk};$

here it appears that  $i$ ,  $j$  and  $k$  remain unchanged. This means that the composite correlation pattern contains the elementary correlation patterns associated with a single direct or secondary pulse for a single user.

figure 3B;

page 9, lines 19 and 20;

page 11, lines 31 and 32;

page 16, lines 21 to 23;

page 16, lines 28 and 29;

here it appears that the composite correlation pattern contains the elementary correlation patterns associated with all the direct and secondary pulses for all the users.

A person skilled in the art would not know how to generate the composite correlation pattern, because it is not clear how the composite correlation pattern is defined.

- 1.2 The following statement appears in the explanation of figure 4A (page 16, lines 10 to 23 of the description): "the elementary correlation pattern generator 21 provides the composite correlation pattern as shown at point (2) of figure 3B". Said point (2) of figure 3B represents a sequence of elementary correlation patterns that contains the elementary correlation patterns associated with all the direct and secondary pulses **of all the users**.

"the sequence of the successive pulses provided by the common receiver circuits" contains the direct and secondary pulses **of all the users**. The composite correlation pattern provided by elementary correlation pattern generator 2<sub>1</sub> contains the elementary correlation patterns associated with the direct and secondary pulses **of all the users**. The result of this correlation (Generalised Cross-Correlation, GCC) is therefore necessarily a result for **all the users**.

A person skilled in the art would not know how to make a symbol decision in circuit 2<sub>4</sub> of figure 4A, because there is not a **single** symbol of a **single** user but a plurality of different symbols of a plurality of users.